

Request for Reproduction of Digital or Audiovisual Records

For Publication

The record collections retained by the *Arizona State Library, Archives and Public Records (L.A.P.R.)*, a Division of the *Arizona Secretary of State*, were created by government agencies and are therefore public records or are in private collections or owned by their publishers and are therefore subject to copyright laws. See ARS 39-121.03.C & D for commercial use of public records.

To: **Archives and Records Management**
 Arizona State Library, Archives and Public Records
 1901 West Madison
 Phoenix, AZ 85009
 Phone: 602-926-3720
 Fax: 602-256-7982

From: _____
Print name: _____

Street address: _____

City, State, ZIP: _____

Telephone number/email: _____

1. Permission: All requests to reproduce digital and audiovisual records from the Arizona State Library, Archives and Public Records (hereinafter the "Agency") must be submitted on this application. The applicant agrees to abide by all terms, conditions and provisions of this agreement.

Permission for reproduction is granted only when this application is countersigned by an authorized representative of the Agency. Permission for reproduction is limited to the applicant and is non-transferable and only for the expressed purpose described in this application. This permission is non-exclusive; the Agency reserves the right to reproduce the record and to allow others to reproduce the record.

The Agency reserves the right to restrict the duplication and/or to limit the type of reproduction options available of fragile or unstable materials.

The Agency reserves the right to not duplicate or digitize fragile original items, when actions may damage the item.

The Agency will not make copies of records containing information restricted by law or donor agreement, except as legally-authorized.

The Agency reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law.

2. Description of this publishing project:

Author(s)/creator(s): _____

Title or description: _____

Place of publication: _____

Publisher or sponsor: _____

Date of publication: _____

3. Economic classification of this publication:

- ☐ Publication by an accredited, non-profit organization [501(c)(3)].
- ☐ Publication by a university press or educational institution.
- ☐ Journal/magazine publication. Title: Circulation:
- ☐ Broadcast media. Audience:
- ☐ Book publication. Production run:
- ☐ For profit design or advertising use. End product:
- ☐ Newspaper:
- ☐ Other:
- ☐ PowerPoint or Web:

4. Reproduction of digital and audiovisual records:

Permission is granted to use only the digital and audiovisual records that are identified and described on page 5 of this application. **Digital and audiovisual records supplied by the Agency may not be copied, scanned, exhibited, resold, or used for any other purpose than that specified in this application. Unauthorized reproduction will incur a fine of three times the normal fee, and the Agency reserves the right to demand surrender of all materials containing unauthorized reproductions.** Due diligence must be made to ensure records are not copied from publication (example: ensure security settings prevent downloading of records from website).

5. Fees: See schedule of fees on pages 5 - 7.

6. Copyright:

A. Permission

In addition to the permission of the Agency, additional permissions may be required. In cases of living artists and/or subject to the 1976 Copyright Law or the 1991 Visual Artists Rights Act, written permission must be secured by the applicant from the artist, his/her agent, or the copyright owner and provided to the Agency before a reproduction of the artwork will be released.

B. Copyright Warning

WARNING CONCERNING COPYRIGHT RESTRICTIONS:

The copyright law of the United States (Title 17, USC) governs the making of photocopies or other reproductions of copyrighted material. Under certain conditions specified in the law, archives and libraries are authorized to furnish a photocopy or reproduction. One of these specified conditions is that

the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement. The Agency reserves the right to refuse a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law.

C. Privacy:

An individual depicted in a reproduction has privacy rights as outlined in Title 45 CFR 46 ("Protection of Human Subjects"). The Agency reserves the right to require a release from individuals whose privacy may be violated by the publication of this digital and audiovisual records.

D. Owner of original digital and audiovisual records:

In instances where the Agency holds only a reproduction of an digital and audiovisual records, written permission of the owner of the digital and audiovisual records is required. The Agency cannot grant permission or issue a print when the owner of the original digital and audiovisual records is known.

It is the responsibility of the applicant to obtain permission to publish reproductions from the owner of copyright (the institution, the creator of the record, the author, or his/her transferees, heirs, legatees, or literary executors). The Agency will aid the applicant in contacting individuals by providing addresses, when available. However, the **Agency** does not warranty the accuracy of that information, and shall not be responsible for any inaccurate information.

The Agency assumes no responsibility for infraction of copyright laws, invasion of privacy, or any other improper or illegal use that may arise from reproduction of any digital and audiovisual records. The applicant agrees to hold the Agency and its agents harmless against any and all claims arising or resulting from the use of each digital and audiovisual records and shall indemnify the Agency and its agents for any and all costs and any damages arising or resulting from any such authorized use.

7. Digital and audiovisual records alteration: I understand that photographic digital and audiovisual record must be reproduced unaltered and in their entirety unless approved in writing (standard cropping and resizing are permissible).

8. Credit line or Bibliographic Citation: The requested digital and audiovisual records must be reproduced unaltered unless approved in writing and it is mandatory that the credit line or on a credit page. Crediting of each individual item is mandatory in all cases.

Bibliographic citations must cite the title of the record group(s), the box number, the Archives and Records Management and the name of the Arizona State Library Archives and Public Records in full. Please use the following as an example:

Governor George W.P. Hunt to Ely Sims, November 21, 1919, Box 14, Office of the Governor, RG 1, Archives and Records Management Branch, Arizona State Library, Archives and Public Records, Phoenix, AZ.

The payment of a fee does not exempt an applicant from credit line requirements. Failure to include a credit line will incur a fine of \$100.00 per item.

9. Pre-publication rights: The Agency reserves the right to examine proofs and captions for accuracy and sensitivity prior to publication with the right to revise if necessary. The Agency reserves the right to refuse any request and to impose such conditions as it may deem advisable in its best interests.

10. Payment of fees: Prepayment of all fees is required before permission to publish is granted. Default in payment shall immediately revoke permission.

If the size of edition or number of editions exceeds the terms specified in this application, the applicant shall immediately pay the difference in use fees. If payment is not received within thirty days, the applicant shall be liable for twice the difference in fees.

11. Final publication: The applicant agrees to send the Agency, upon date of publication, one complete, best edition, gratis copies of the work containing the reproduction at no charge.

12. Agency Custody: All original records, regardless of format, are retained by the Agency and do not leave the custody of the Agency. **Digital and audiovisual records may not be copied by clients using their own equipment.**

Endorsements:

By signing this application, I acknowledge this request for copies records on the attached ____ pages are for commercial purposes as specified above.

Signed by Requestor: _____

Date: _____

File Delivery Requested:

☐ CDs/DVDs (4GB, 8GB)

☐ External hard drives (provided by customer)

☐ Agency's File Share

☐ External hard drives (provided by State Archives)

Shipment Method:

☐ Customer will pick up

☐ Ship to Address listed on page 1 (Shipping costs will be added to final charges.)

☐ Other: _____

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For Arizona State Archive Use:

Date Request Received: _____

☐ Approved:

☐ In-House

☐ Out Sourcing Required

☐ Disapproved

Reason for disapproval: _____

Arizona State Archives staff: _____

Date: _____

Work Order Number: _____

Quotation Sent Date: _____

Reproduction Fee Schedule:

Fees vary upon type of original material format, services requested, format requested, use of outside vendor if necessary, reproduction rights requested, preferred delivery method and custom or special services and/or processing. Fees for copies of electronic and audiovisual records vary, because they are based on storage medium and file format plus any additional cost of data extraction, custom services or other special programming or processing.

Other services or formats such as 16mm film or extraction from obsolete media not addressed in this document will be considered a custom order, therefore evaluated and priced on a case by case basis.

Orders requiring outside services will be charged \$10.00 processing setup fee per item plus vendor costs.

Orders with a large number of items, custom or special services and/or processing will require the use of an outside vendor. All vendors used are selected and approved by the State Archives.

Work is completed per whole item, file, track or side as applicable.

Audio	
Audio Recordings - from digital file	0-30 minutes per file \$5.00 31-60 minutes per file \$10.00 61-90 minutes per file \$15.00 91-120 minutes per file \$20.00 121-150 minutes per file \$25.00
Audio Recordings - from original material	Cassette: 0-30 minutes per side of tape \$10.00 31-60 minutes per side of tape \$15.00 61-90 minutes per side of tape \$20.00 Reel to Reel: 0-30 minutes \$ per track on tape 15.00 31-60 minutes per track on tape \$20.00 61-90 minutes per track on tape \$25.00 91-120 minutes per track on tape \$30.00 121-150 minutes per track on tape \$35.00 CD or DVD: per track \$2.00
Film or Video	
Video Recordings - from digital file	0-30 minutes per file \$10.00 31-60 minutes per file \$15.00 61-90 minutes per file \$20.00 91-120 minutes per file \$25.00 121-150 minutes per file \$30.00
Video Recordings - from original material	VHS: 0-30 minutes per tape \$10.00 31-60 minutes per tape \$15.00 61-90 minutes per tape \$20.00 91-120 minutes per tape \$25.00 121-150 minutes per tape \$30.00 U-matic: 0-30 minutes per tape \$15.00 31-60 minutes per tape \$20.00 61-90 minutes per tape \$25.00 91-120 minutes per tape \$30.00 121-150 minutes per tape \$35.00 CD or DVD: per track \$3.00

Pricing continued on next page.

Digital Documents	
Existing Textual Based Electronic File	1-4 files free 5 th file is \$1.00 \$.25 per file for 6 or more files
Other Fees	
CD/DVD for file delivery	\$5.00
External Hard drive	\$120.00
Processing Setup Fee	\$10.00 per item

PRICES MAY BE SUBJECT TO CHANGE WITH 30 DAYS NOTICE
Prices effective December 1, 2014

Use Fee Schedule:

Use of Digital or Audiovisual Records for Publication

ARS 39-121.03.A.3 When a person requests copies, printouts or photographs of public records for a commercial purpose...the charge shall include the following: The value of the reproduction on the commercial market as best determined by the public body.

Use Fee for Commercial Entities in addition to the digital and audiovisual records duplication fees listed on page 5:

Audio (per second, 10 second minimum, per broadcast/production)	
Arizona Broadcast	\$0.50
National Broadcast	\$1.00
Worldwide Broadcast	\$2.00
Website, Exhibit, Decorative Display	\$2.00
DVD/Featured Film/Documentary	\$2.00
Film or Video (per second, 10 second minimum, per broadcast/production)	
Arizona Broadcast	\$1.00
National Broadcast	\$2.00
Worldwide Broadcast	\$4.00
Website, Exhibit, Decorative Display	\$4.00
DVD/Featured Film/Documentary	\$4.00

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Nonprofit Entities, 501(C)(3):

A fee of \$10 is charged for one time, one edition use of a record or 10 second or less audio, film or video by nonprofit entities that have 501(c)(3) status; multiple use of an audiovisual material by a nonprofit entity is subject to the fees outlined in **For-Profit Entities**.

Records Reproduction Request Form

Item Number	Request to reproduce records from the Arizona State Archives. *Archives will have final approval for reproduction and delivery format.				
	RG or MG Name & Number #	Subgroup Name & Number	Series Name & Number	Box Number	Folder Name & Number
	Item Title	Media Type	Side or Track to Duplicate	Delivery File Format Requested*	
	RG or MG Name & Number #	Subgroup Name & Number	Series Name & Number	Box Number	Folder Name & Number
	Item Title	Media Type	Side or Track to Duplicate	Delivery File Format Requested*	
	RG or MG Name & Number #	Subgroup Name & Number	Series Name & Number	Box Number	Folder Name & Number
	Item Title	Media Type	Side or Track to Duplicate	Delivery File Format Requested*	
	RG or MG Name & Number #	Subgroup Name & Number	Series Name & Number	Box Number	Folder Name & Number
	Item Title	Media Type	Side or Track to Duplicate	Delivery File Format Requested*	
	RG or MG Name & Number #	Subgroup Name & Number	Series Name & Number	Box Number	Folder Name & Number
	Item Title	Media Type	Side or Track to Duplicate	Delivery File Format Requested*	